

**DRAFT 6<sup>th</sup> Update Permit Process Code Amendments**  
**4/10/07**

**Issue #22 Grounds for Appeal of Process Two Decisions**  
**§112.0504 Process Two Appeal Hearing**

The Planning Commission shall hear appeals of Process Two decisions subject to the following.

- (a) Persons Who Can Appeal. The following persons may request an appeal hearing after the designated staff person's decision:
  - (1) An *applicant*; or
  - (2) Any other person who files an application for a Process Two appeal hearing in accordance with Section 112.0504(b).
- (b) Request for a Process Two Appeal Hearing. A Process Two decision may be appealed by filing an application for a Process Two appeal hearing with the City Manager no later than 12 *business days* after the *decision date*.
- (c) Grounds for Appeal. A Process Three decision may be appealed on any of the following grounds:
  - (1) Factual Error. The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate;
  - (2) New Information. New information is available to the *applicant* or the *interested person* that was not available through that person's reasonable efforts or due diligence at the time of the decision; or
  - (3) *Findings* Not Supported. The decision maker's stated *findings* to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker; or
  - (4) Conflicts. The decision to approve, conditionally approve, or deny the permit is in conflict with a *land use plan*, a City Council policy, or the Municipal Code.
- (⇌) (d) Scheduling an Appeal Hearing. The City Manager shall assign a date for an appeal hearing before the Planning Commission no later than 10 calendar days after the date on which an application for the appeal hearing is filed with the City Manager. The appeal hearing shall generally be held within 60 calendar days following the filing of the application for the hearing. The appeal hearing shall be noticed in accordance with Section 112.0308.

**DRAFT 6<sup>th</sup> Update Permit Process Code Amendments**  
**4/10/07**

- (d) (e) Power to Act on the Decision at Appeal Hearing. At the conclusion of the appeal hearing, the Planning Commission may affirm, reverse, or modify the staff decision.

**Issue #23 Reasonable Accommodations**

**§126.0402 When a Neighborhood Development Permit Is Required**

(j) — A Neighborhood Development Permit is required for *development* requesting deviations for the purposes of *reasonable accommodations* on developed *premises* as described in Section 131.0466.

[Would also require changing r-o-w NDP permit reference from (k) to new (j)]

**§131.0466 Deviations from Development Regulations for Reasonable Accommodations**

The Federal Fair Housing Act and the California Fair Employment and Housing Act require that jurisdictions make *reasonable accommodations* to afford *disabled persons* the equal opportunity to use and enjoy a dwelling. In consideration of the special need and the potential benefit that can be accomplished with a requested modification, deviations may be approved through Process One ~~or Process Two as described below, subject to the following:~~

(a) — Deviations from the following regulations may be permitted through a Process One building permit:

(1) — Minimum *setback* requirements;

(2) — Minimum parking requirements; and

(3) — Minimum *floor area ratio* requirements for deviations less than or equal to 5 percent.

(b) — Deviations from the following regulations may be permitted with a Neighborhood Development Permit in accordance with Process Two:

(1) — Minimum *floor area ratio* requirements for deviations greater than 5 percent, but no greater than 10 percent;

(2) — Angled *building envelope* plane requirements, not to exceed a maximum *structure height* of 30 feet;

(3) — *Accessory structure* requirements

**DRAFT 6<sup>th</sup> Update Permit Process Code Amendments**  
**4/10/07**

~~(e) — Deviations from the *development* regulations described in Section 131.0466(a) may be approved subject to the following:~~

~~(1)(a)~~ The *development* will be used by a *disabled person*;

~~(2)(b)~~ The deviation request is necessary to make specific housing available to a *disabled person* and complies with all applicable development regulations to the maximum extent feasible;

~~(3)(c)~~ The deviation request will not impose an undue financial or administrative burden on the City;

~~(4)(d)~~ The deviation request will not create a fundamental alteration in the implementation of the City's zoning regulations.

~~(5)(e)~~ For *coastal development* in the *coastal overlay zone*, that is not exempt pursuant to Section 126.0704, there is no feasible alternative that provides greater consistency with the certified Local Coastal Program.

~~(d) — Deviations from the development regulations described in Section 131.0466(b) may be approved subject to the following:~~

~~(1) — The *development* will be used by a *disabled person*;~~

~~(2) — The deviation request is necessary to make specific housing available to a *disabled person* and complies with all applicable development regulations to the maximum extent feasible;~~

~~(3) — The deviation request will not impose an undue financial or administrative burden on the City;~~

~~(4) — The deviation request will not create a fundamental alteration in the implementation of the City's zoning regulations.~~

~~(5) — The deviation request will not adversely affect surrounding uses.~~

~~(6) — For *coastal development* in the *coastal overlay zone*, that is not exempt pursuant to Section 126.0704, there is no feasible alternative that provides greater consistency with the certified Local Coastal Program.~~

**DRAFT 6<sup>th</sup> Update Permit Process Code Amendments**  
**4/10/07**

**Issue #24 Site Development Permit Applicability**

**§126.0502 When a Site Development Permit is Required**

- (a) No Change
- (b) A Site Development Permit decided in accordance with Process Three is required for residential development that involves any of the following:
  - (1) through (3) No Change

- (4) Within any multiple unit residential zone, multiple unit residential development that exceeds the number of dwelling units indicated in Table 126.05A on lots which are consolidated or otherwise joined together for the purpose of accommodating the development.

**Table 126.05A Multiple Dwelling Unit Developments Requiring a Site Development Permit**

- (5) Multiple residential development that varies from the minimum parking requirements, as described in Section 142.0525(a).

- (c) [No change.]
- (d) [No change.]

- (1) through (7) [No change.]

- (8) A request for a deviation from the applicable development regulations for affordable/in-fill housing in accordance with Sections 143.0915 and 143.0920.

- (e) [No change.]

**Issue #25 Guest Quarters**

**§141.0306 Guest Quarters**

Guest quarters are attached or detached accessory living quarters located on a *lot* with a *single dwelling unit* that do not provide complete, independent living facilities and do not have direct access to the primary dwelling unit. A guest quarters is solely for the use of the occupants of the primary dwelling unit or their guests or employees. Guest quarters may be permitted with a Neighborhood Use Permit as a limited use in accordance with Process One in the zones indicated with an "N" "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

**DRAFT 6<sup>th</sup> Update Permit Process Code Amendments**  
**4/10/07**

- (a) A primary dwelling unit must exist on the *premises*. Concurrent construction of the primary dwelling unit and the guest quarters is permitted.
- (b) No more than one guest quarters may be permitted on a *premises*.
- (c) Guest quarters may be attached to or detached from the primary dwelling unit on the *premises*.
- (d) The *gross floor area* of the guest quarters shall not exceed 20 percent of the maximum *gross floor area* for the *premises* that is permitted in the zone.
- (e) The *gross floor area* of the guest quarters shall be included in the *floor area ratio* calculation for the *premises*.
- (f) The guest quarters shall not contain a *kitchen* or facilities for the storage and preparation of food.
- (g) For guest quarters located above a garage or other accessory building, the maximum *structure height* for flat-roofed *structures* is 21 feet. For sloped-roofed *structures* with a roof pitch of at least 3:12 (3 vertical feet to 12 horizontal feet), the maximum *structure height* is 30 feet.
- (h) For detached guest quarters, the maximum *structure height* is 15 feet without a chimney or flue, or 17 feet with a chimney or flue.
- (i) Decks and staircases of not more than 3 feet in height may encroach into required *yards*.
- (j) *Roof decks*, including railings, shall not exceed the height limits in Section 141.0306(g) and (h).
- (k) One 24-inch box tree shall be planted in the required front *yard* of the *premises* or in the abutting *parkway*. Existing trees may be used to satisfy this requirement.
- (l) Off-street parking and access for a *premises* containing a guest quarters shall be provided as follows:
  - (1) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations).
  - (2) Off-street parking shall be provided at a rate of 1 space for each bedroom in the guest quarters.
  - (3) Off-street parking required for guest quarters shall not be located in

**DRAFT 6<sup>th</sup> Update Permit Process Code Amendments**  
**4/10/07**

the area between the *street wall* and the front *property line*.

- (4) Access to the off-street parking from an unimproved *alley* is not permitted.
- (m) Occupancy of a *premises* containing guest quarters shall be subject to the following:
  - (1) Guest quarters shall not be rented, leased, or sold as a separate dwelling unit.
  - (2) Before a Building Permit is issued for guest quarters, the property owner shall submit a signed agreement with the City that specifies that the guest quarters shall not be used as, or converted to, a companion unit or any other dwelling unit. The agreement shall include a stipulation that neither the primary dwelling unit nor the guest quarters shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation.
  - (3) The guest quarters shall be used solely by the occupants of the primary dwelling unit, their guests, or their employees.

[Would also require amending each use Ch 13 Use Table (131.0222, 131.0322, 131.0422) to change each “N” to an “L”.]

**Issue #26 Automobile Service Stations**

[Still in progress]

**Issue #27 Companion Units**

**§141.0302 Companion Units**

A companion unit is a *dwelling unit* that is an *accessory use* for a *single dwelling unit* on a residential *lot* that provides complete living facilities, including a kitchen, independent of the primary *dwelling unit*. Companion units are permitted as a limited use in accordance with Process One in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) and Chapter 15, Article 1, Division 1 (General Provisions for Planned Districts), subject to the regulations in Section 141.0302. Within the Coastal Overlay Zone, companion units are subject to the provisions of Chapter 12, Article 6, Division 7.

Limited Use Regulations. Companion units are permitted as a limited use subject to the following regulations:

- (a) Before a Building Permit may be issued for a companion unit, the property

**DRAFT 6<sup>th</sup> Update Permit Process Code Amendments**  
**4/10/07**

*owner* shall enter into an agreement with the City in a form that is acceptable to the City Attorney. The agreement shall include the following provisions:

- (1) That if the property *owner* does not occupy either the primary *dwelling unit* or the companion unit, only one of the units may be rented;.
  - (2) That neither the primary *dwelling unit* nor the companion unit may be sold or conveyed separately; and.
  - (3) that the property *owner* shall reside in the primary *dwelling unit* or the companion unit. The city will submit the agreement to the County Recorder for recordation.
  - (4) The agreement shall run with the land and be coterminous with the life of the companion unit.
- (b) Within single family residential zones, a companion unit is allowed where the existing lot area is equal to or greater than two times the minimum lot area required for the zone.
- (e)(b) For *premises* within a multi-family zone, one companion unit is permitted on property that would otherwise allow only one *single dwelling unit* based on the size of the *premises*, provided there is an existing *single dwelling unit*. If the *premises* are modified by area or zone to permit additional *dwelling units*, the companion unit shall then be considered an additional *dwelling unit* and shall not be restricted by the applicable companion unit regulations.
- (e)(c) A primary *dwelling unit* must exist on the *premises*. Concurrent construction of the primary *dwelling unit* and *companion unit* is not allowed.
- (e)(d) No more than one companion unit is permitted on a *premises*.
- (e)(e) A companion unit may be attached to or detached from the primary *dwelling unit* on the *premises*.
- (e)(f) If access from an improved abutting *alley* exists, vehicular access to parking spaces for the companion unit shall be from the *alley* unless the *premises* has a garage that accommodates all *off-street parking* required in accordance with this section, except for *premises* located in the Beach Impact Area or any other zones in which vehicular access from the alley is required.

**DRAFT 6<sup>th</sup> Update Permit Process Code Amendments**  
**4/10/07**

- ~~(h)~~(g) If an existing garage is converted to a companion unit, another garage shall be provided on the *premises* to replace the converted parking spaces.
- ~~(i)~~(h) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with this section.
- ~~(j)~~(i) One standard *off-street parking space* is required for each *bedroom* in the companion unit, with a minimum requirement of one *parking space* per companion unit.
- ~~(k)~~(j) Off-street *parking* required by this section shall not be located in the area between the *street wall* and the front *property line*.
- ~~(l)~~(k) Access to the *off-street parking* from an unimproved *alley* is not permitted.
- ~~(m)~~(l) The *gross floor area* of the companion unit shall be included in the *floor area ratio* calculation for the *premises*.
- ~~(n)~~(m) The *gross floor area* of the companion unit shall not exceed 700 square feet.
- ~~(o)~~(n) One 24-inch ~~ch~~ box tree shall be planted in the required front *yard* of the *premises* or in the abutting *parkway*. Existing trees that are at least 15 feet high and 15 feet in width may be used to satisfy this requirement.
- ~~(p)~~(o) For companion units located above a garage or other accessory building:
- (1) the maximum *structure height* for flat-roofed *structures* is 21 feet; and
  - (2) the maximum *structure height* is 30 feet for sloped-roofed *structures* with a roof pitch of at least 3:12 (3 vertical feet to 12 horizontal feet).
- ~~(q)~~(p) Companion unit entrances shall not be located on the *building street wall* or within the front fifty percent of the *structure*.
- ~~(r)~~(q) The companion unit shall be constructed with the same siding and roofing materials as the primary *dwelling unit*.
- ~~(s)~~(r) For detached companion units, the maximum *structure height* is:
- (1) 15 feet without a chimney or flue, or
  - (2) 17 feet with a chimney or flue.



**DRAFT 6<sup>th</sup> Update Permit Process Code Amendments**  
**4/10/07**

**Issue #28 Housing for Senior Citizens**

**§141.0310 Housing for Senior Citizens**

Housing for senior citizens may be permitted ~~with a Conditional Use Permit decided as a limited use~~ in accordance with Process ~~Three~~ **One** in the zones indicated with a “~~C~~” **“L”** in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Housing for senior citizens shall meet the requirements of one of the following:
  - (1) “Housing for older persons” as defined in 42 United States Code, Section 3607(b) of the Fair Housing Act Amendments of 1988 and 24 Code of Federal Regulations, section 100.304; or
  - (2) “Senior citizen housing development” as defined in Section 51.3 of the California Civil Code.
- ~~(b) Housing for senior citizens may be permitted an affordable housing density bonus and an additional development incentive as provided in Chapter 14, Article 3, Division 7 (Affordable Housing Density Bonus Regulations). All density bonus units in excess of 25 percent of the allowable density of the base zone shall be for occupancy by very low-income Senior Citizens or very low-income qualifying residents at a rent that does not exceed 30 percent of 50 percent of area median income, as adjusted for assumed household size. Proposed developments that provide daily meals in a common cooking and dining facility, and provide and maintain a common transportation service for residents, may be exempt from the affordability requirement of Chapter 14, Article 3, Division 7.~~
- ~~(c)~~ **(b)** Housing for senior citizens may be permitted only in locations that meet the following requirements:
  - (1) Facilities shall be located in a topographically flat area with minimal *grade* separation between the facility and public transportation or other public services;
  - (2) Facilities shall be located near a wide range of commercial, retail, professional, and social services patronized by senior citizens;
  - (3) Facilities shall be located within two to three blocks, or approximately 750 feet, of a major supermarket; and
  - (4) Facilities shall be located within two blocks, or approximately 600

**Comment:** Clarify that disabled persons (that do not meet the minimum age requirement) are also eligible for this type of housing.

**DRAFT 6<sup>th</sup> Update Permit Process Code Amendments**  
**4/10/07**

feet, of a bus or transit stop.

~~(d)~~ **(c)** Off-Street Parking Requirements

- (1) The base parking requirement is 1 parking space per dwelling unit.
- (2) For facilities that provide daily meals in a common cooking and dining facility and that provide and maintain a common transportation service for residents, 0.7 parking spaces per dwelling unit plus 1 parking space for each staff person, calculated based on staffing for the peak-hour shift, shall be provided.
- (3) Parking areas shall be lighted for the safety of tenants. Lighting shall be of a design that deters vandalism. The location, type, and size of the proposed lighting fixtures shall be specified on the permit application.

~~(e)~~ **(d)** Facilities Requirements

- (1) All facilities shall provide laundry facilities that are adequately sized and located to serve the needs of residents.
- (2) Facilities of 14 dwelling units or more shall provide a recreation/social room. This room shall be at least 400 square feet in area unless it is located adjacent to a useable outdoor open space area. The room shall have toilet facilities available on the ground *floor*.
- (3) Facilities that have 2 or more *stories* and 20 or more dwelling units shall provide elevator service.
- (4) A plan indicating how the proposed facility could be converted to a nonsenior housing project and comply with the applicable parking requirements is required before approval of the permit.
- (5) Trash bins shall be conveniently located and shall be covered and *screened*.
- (6) All facilities that do not have an on-site manager shall provide a posted phone number of the project owner or off-site manager for emergencies or maintenance problems.